



05-1701

CPA/PTO/STB  
5/23/01  
#19/Reg  
CPA

Approved for use through 10/31/2002. OMB 0651-0032  
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# CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.  
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable  
☒ DUPLICATE

Address to:  Assistant Commissioner for Patents Box CPA Washington, DC 20231	Attorney Docket No. of Prior Application	MISTY 52064
	First Named Inventor	Steven M. Utter
	Examiner Name	C. Kim
	Group Art Unit	3752
	Express Mail Label No.	EL 737699514 US

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d),  
(continued prosecution application (CPA)) of prior application number 09 / 358,280  
filed on 07/21/99, entitled PORTABLE MIST COOLING DEVICE

## NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Pat. Office (Apr. 11, 2000).

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

- ☒ Enter the unentered amendment previously filed on 3/14/01 under 37 CFR 1.116 in the prior nonprovisional application.
- ☐ A preliminary amendment is enclosed.
- This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
  - ☐ DELETE the following inventor(s) named in the prior nonprovisional application:  
.....
  - ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
- ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
- Information Disclosure Statement (IDS) is enclosed:
  - ☐ PTO-1449
  - ☐ Copies of IDS Citations

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CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 CFR 1.16(c) or (j))	10	-20* =	-0-	x \$ _____ =	\$
INDEPENDENT CLAIMS (37 CFR 1.16(b) or (i))	2	-3** =	-0-	x \$ _____ =	
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))				+ \$ _____ =	
				BASIC FEE (37 CFR 1.16)	355.00
				Total of above Calculations =	
Reduction by 50% for filing by small entity (Note 37 CFR 1.27).					
				TOTAL =	355.00

\* Reissue claims in excess of 20 and over original patent.  
\*\* Reissue independent claims over original patent.

6. ☒ Small entity status: Applicant claims small entity status. See 37 CFR 1.27.7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 06 - 2425.a. ☒ Fees required under 37 CFR 1.16.b. ☒ Fees required under 37 CFR 1.17.c. ☐ Fees required under 37 CFR 1.18.8. ☒ A check in the amount of \$ 355.00 is enclosed.9. ☐ Payment by credit card. Form PTO-2038 is attached.10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) (fee under 37 CFR 1.17(i) enclosed).11. ☐ New Attorney Docket Number, if desired \_\_\_\_\_(Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.)12. a. ☐ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)b. ☒ Return Receipt Postcard (Should be specifically itemized, See MPEP 503)13. ☐ Other: \_\_\_\_\_**NOTE:**The prior application's correspondence address will carry over to this CPA  
UNLESS a new correspondence address is provided below.**14. NEW CORRESPONDENCE ADDRESS**

Customer Number or Bar Code Label



24201

(Insert Customer No. or Attach bar code label here)

or ☐

New correspondence address below

Name	David G. Parkhurst				
	FULWIDER PATTON LEE & UTECHT, LLP				
Address					
City		State		Zip Code	
Country		Telephone	310-824-5555	Fax	310-824-9696

**15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print IType)

David G. Parkhurst

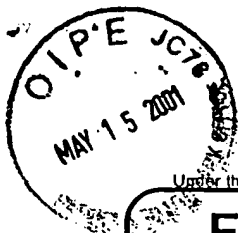
Signature

Registration No. (Attorney/Agent)

29,422

Date

May 15, 2001



# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ ) 410.00

Complete if Known	
Application Number	097358,280
Filing Date	July 21, 1999
First Named Inventor	Steven M. Utte
Examiner Name	C. Kim
Group Art Unit	3752
Attorney Docket No.	MISTY 52064

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METHOD OF PAYMENT		FEE CALCULATION (continued)																																																																																																																																																																																																																																																	
<p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:</p> <p>Deposit Account Number: 06-2425</p> <p>Deposit Account Name: FULWIDER PATTON LEE &amp; UTECHT, LLP</p> <p><input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17</p> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p> <p>2. <input checked="" type="checkbox"/> Payment Enclosed:</p> <p><input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other</p>		<p>3. ADDITIONAL FEES</p> <table border="1"><thead><tr><th>Large Entity</th><th>Small Entity</th><th>Fee Code</th><th>Fee (\$)</th><th>Fee Code</th><th>Fee (\$)</th><th>Fee Description</th><th>Fee Paid</th></tr></thead><tbody><tr><td>105</td><td>130</td><td>205</td><td>65</td><td></td><td></td><td>Surcharge - late filing fee or oath</td><td></td></tr><tr><td>127</td><td>50</td><td>227</td><td>25</td><td></td><td></td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr><tr><td>139</td><td>130</td><td>139</td><td>130</td><td></td><td></td><td>Non-English specification</td><td></td></tr><tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td></td><td></td><td>For filing a request for ex parte reexamination</td><td></td></tr><tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td></td><td></td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr><tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td></td><td></td><td>Requesting publication of SIR after Examiner action</td><td></td></tr><tr><td>115</td><td>110</td><td>215</td><td>55</td><td></td><td></td><td>Extension for reply within first month</td><td>55</td></tr><tr><td>116</td><td>390</td><td>216</td><td>195</td><td></td><td></td><td>Extension for reply within second month</td><td></td></tr><tr><td>117</td><td>890</td><td>217</td><td>445</td><td></td><td></td><td>Extension for reply within third month</td><td></td></tr><tr><td>118</td><td>1,390</td><td>218</td><td>695</td><td></td><td></td><td>Extension for reply within fourth month</td><td></td></tr><tr><td>128</td><td>1,890</td><td>228</td><td>945</td><td></td><td></td><td>Extension for reply within fifth month</td><td></td></tr><tr><td>119</td><td>310</td><td>219</td><td>155</td><td></td><td></td><td>Notice of Appeal</td><td></td></tr><tr><td>120</td><td>310</td><td>220</td><td>155</td><td></td><td></td><td>Filing a brief in support of an appeal</td><td></td></tr><tr><td>121</td><td>270</td><td>221</td><td>135</td><td></td><td></td><td>Request for oral hearing</td><td></td></tr><tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td></td><td></td><td>Petition to institute a public use proceeding</td><td></td></tr><tr><td>140</td><td>110</td><td>240</td><td>55</td><td></td><td></td><td>Petition to revive - unavoidable</td><td></td></tr><tr><td>141</td><td>1,240</td><td>241</td><td>620</td><td></td><td></td><td>Petition to revive - unintentional</td><td></td></tr><tr><td>142</td><td>1,240</td><td>242</td><td>620</td><td></td><td></td><td>Utility issue fee (or reissue)</td><td></td></tr><tr><td>143</td><td>440</td><td>243</td><td>220</td><td></td><td></td><td>Design issue fee</td><td></td></tr><tr><td>144</td><td>600</td><td>244</td><td>300</td><td></td><td></td><td>Plant issue fee</td><td></td></tr><tr><td>122</td><td>130</td><td>122</td><td>130</td><td></td><td></td><td>Petitions to the Commissioner</td><td></td></tr><tr><td>123</td><td>50</td><td>123</td><td>50</td><td></td><td></td><td>Petitions related to provisional applications</td><td></td></tr><tr><td>126</td><td>240</td><td>126</td><td>240</td><td></td><td></td><td>Submission of Information Disclosure Stmt</td><td></td></tr><tr><td>581</td><td>40</td><td>581</td><td>40</td><td></td><td></td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr><tr><td>146</td><td>710</td><td>246</td><td>355</td><td></td><td></td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td><td></td></tr><tr><td>149</td><td>710</td><td>249</td><td>355</td><td></td><td></td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td><td></td></tr><tr><td>179</td><td>710</td><td>279</td><td>355</td><td></td><td></td><td>Request for Continued Examination (RCE)</td><td></td></tr><tr><td>169</td><td>900</td><td>169</td><td>900</td><td></td><td></td><td>Request for expedited examination of a design application</td><td></td></tr><tr><td colspan="7">Other fee (specify) _____</td><td></td></tr></tbody></table>		Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid	105	130	205	65			Surcharge - late filing fee or oath		127	50	227	25			Surcharge - late provisional filing fee or cover sheet		139	130	139	130			Non-English specification		147	2,520	147	2,520			For filing a request for ex parte reexamination		112	920*	112	920*			Requesting publication of SIR prior to Examiner action		113	1,840*	113	1,840*			Requesting publication of SIR after Examiner action		115	110	215	55			Extension for reply within first month	55	116	390	216	195			Extension for reply within second month		117	890	217	445			Extension for reply within third month		118	1,390	218	695			Extension for reply within fourth month		128	1,890	228	945			Extension for reply within fifth month		119	310	219	155			Notice of Appeal		120	310	220	155			Filing a brief in support of an appeal		121	270	221	135			Request for oral hearing		138	1,510	138	1,510			Petition to institute a public use proceeding		140	110	240	55			Petition to revive - unavoidable		141	1,240	241	620			Petition to revive - unintentional		142	1,240	242	620			Utility issue fee (or reissue)		143	440	243	220			Design issue fee		144	600	244	300			Plant issue fee		122	130	122	130			Petitions to the Commissioner		123	50	123	50			Petitions related to provisional applications		126	240	126	240			Submission of Information Disclosure Stmt		581	40	581	40			Recording each patent assignment per property (times number of properties)		146	710	246	355			Filing a submission after final rejection (37 CFR § 1.129(a))		149	710	249	355			For each additional invention to be examined (37 CFR § 1.129(b))		179	710	279	355			Request for Continued Examination (RCE)		169	900	169	900			Request for expedited examination of a design application		Other fee (specify) _____							
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<p>*for number previously paid, if greater; For Reissues, see above</p>		<p>*Reduced by Basic Filing Fee Paid</p> <p>SUBTOTAL (3) (\$ ) 55.00</p>																																																																																																																																																																																																																																																	

SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	David G. Parkhurst	Registration No. (Attorney/Agent)	29,422
Signature		Telephone	310-824-5555
		Date	May 15, 2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.